

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

VITA EVETTE PEARSON,

Plaintiff,

v.

No. _____

**JOY MANGANO,
INGENIOUS DESIGNS, LLC,
HSN, LP,**

JURY DEMANDED

Defendants.

COMPLAINT

COMES NOW Plaintiff Vita Evette Pearson and files this Complaint against Joy Mangano, Ingenious Designs, LLC, and HSN, LP (collectively “Defendants”) as follows:

PARTIES

1. Vita Evette Pearson (“Pearson”) is an adult resident of Shelby County, Tennessee.
2. Joy Mangano (“Mangano”), upon information and belief, is an adult resident of the state of New York.
3. Ingenious Designs, LLC (“Ingenious”), upon information and belief, is a Delaware limited liability company with its principal place of business at 80 Rodeo Drive, Brentwood, NY 11717.
4. Upon information and belief, Ingenious is a wholly-owned subsidiary of HSN, LP (“HSN”), a Delaware limited partnership with its principal place of business at 1 HSN Drive, St. Petersburg, FL 33729.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1338(a) in that this case involves an infringement of a patent issued by the United States Patent and Trademark Office.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) in that Defendants offered for sale and/or sold to people in this district products that infringe claim 1 of the Patent (as herein defined).

CAUSE OF ACTION

7. This action arises under the laws of the United States pertaining to patents issued by the United States Patent and Trademark Office, which law may be found at Title 35, United States Code, et seq., as will be further set out herein.

8. On April 4, 2000, United States Patent No. 6,044,503 (“the Patent”) was duly and legally issued to the applicant/inventor, Virginia S. McClendon, by the United States Patent and Trademark Office. The Patent was issued for a certain type of Bedclothes (the “Invention”) as more fully described in the Patent. A true and correct copy of the Patent is at Exhibit A of the Complaint and is incorporated herein by reference.

9. By an assignment from Virginia S. McClendon, Pearson currently owns and holds all right, title and interest in and to the Invention and Patent. Pearson is the inventor’s daughter.

10. Mangano, Ingenious, and HSN have and still are willfully infringing claim 1 of the Patent, in violation of 35 U.S.C. § 271(a), by making, offering for sale, and/or selling products embodying the Invention claimed by claim 1 of the Patent, without authority, and will continue to do so unless enjoined by this Court.

11. As a direct and proximate consequence of the infringement of the Patent by

Mangano, Ingenious, and HSN, Pearson has been and will continue to be damaged.

12. In the absence of injunctive relief, Mangano, Ingenious, and HSN will continue to violate the laws of the United States by infringing the Patent to the detriment and injury of Pearson.

WHEREFORE, Plaintiff requests that a jury be impaneled and the Court enter judgment in its favor as follows:

1. Awarding Plaintiff all damages allowed under the United States patent laws for infringement;
2. Awarding Plaintiff treble damages, costs, and attorneys fees pursuant to 35 U.S.C. §§ 284, 285;
3. Permanently enjoining Defendants from any further infringement of the Patent;
4. Awarding Plaintiff prejudgment and postjudgment interest on all damages; and
5. Awarding Plaintiff such other and further relief as the Court deems appropriate.

Respectfully submitted,

s/ Adam C. Simpson

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